

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

QUINCY DEMOND BLAKELY, ET AL., §  
§  
Plaintiffs, §  
§  
V. §  
§  
JEANETTE L. KELLY, ET AL., §  
§  
Defendants. §

No. 3:16-cv-2801-K-BN

**ORDER WITHDRAWING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE MAGISTRATE JUDGE**

This civil rights action filed by *pro se* plaintiffs against the City of Dallas and individual defendants – referred to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference from United States District Judge Ed Kinkeade – was stayed and administratively closed, under *Younger v. Harris*, 401 U.S. 37 (1971), on November 3, 2016. *See* Dkt. No. 12; *see also* Dkt. No. 11.

In May of this year, Plaintiffs Quincy Demond Blakely and Kimberly Blakely moved to reopen this action, attaching to their motion an order dismissing the misdemeanor prosecution against Mr. Blakely that was the basis for the Court's decision to stay and administratively close this action. *See* Dkt. No. 13. The Court granted the motion and directed the Clerk of Court to reopen this action. *See* Dkt. No. 14.

On September 17, 2018, the undersigned issued findings of fact, conclusions of law, and a recommendation that the Court should dismiss this action without prejudice

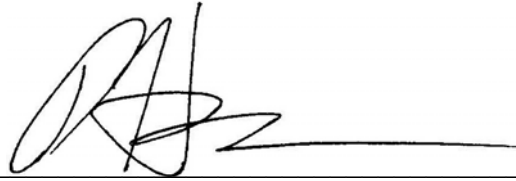
under Federal Rules of Civil Procedure 4(m) and 41(b) because Plaintiffs failed to prove that proper service was effected by the court-imposed deadline of August 20, 2018 [Dkt. No. 16] (the “FCR”).

Without responding directly to the FCR, Ms. Blakely filed, on September 27, 2018, eight executed waivers of service sent to defendants on August 9, 2018. *See* Dkt. Nos. 17-24.

Based on these filings, the FCR is WITHDRAWN. And the undersigned shall continue to manage this action for pretrial purposes.

SO ORDERED.

DATED: September 28, 2018

A handwritten signature in black ink, appearing to read 'D. Horan', with a long horizontal line extending to the right.

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DAVID L. HORAN  
UNITED STATES MAGISTRATE JUDGE